

REMARKS

Claims 1-8 and 10-31 are all the claims pending in the application. Claim 9 has been canceled without prejudice or disclaimer because the subject matter recited therein has been slightly narrowed and incorporated into claim 1. Accordingly, no new consideration and/or search should be necessary. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Specification

Again, the Examiner asserts that Applicants' attempted incorporation by reference to the parent application is improper, yet provides no basis for this assertion. Accordingly, if the Examiner persists in requesting that Applicants amend the specification to remove this incorporation by reference, they respectfully request that the Examiner provide a basis for his assertion.

Claim Rejections – 35 USC §112

- The Examiner rejected claims 1-5 and 7-31 under §112, 1st paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. Specifically, the Examiner notes that he bases this rejection on Applicants' change from "gel" to "agglomerate". Accordingly, to expedite prosecution of this application, Applicants have amended the claims so as to use the originally presented term "gel". Because the change is back to the original claim language, no new consideration and/or search should be necessary.
- The Examiner rejected claims 3-5 under §112, 2nd paragraph, as indefinite. The Examiner suggested that these claims should depend from claim 25 wherein the glass fibre matt material was set forth. Applicants have adopted the Examiner's suggestion.

Claim Rejections – 35 USC § 103

- The Examiner rejected claims 1-5, 7, 8, 15, 16, 21, 22, 24, and 26-31 under §103(a) as being unpatentable over US Patent 3,385,722 to Weaver et al. (hereinafter Weaver) in view of

US Patent 3,223,027 to Soda et al. (hereinafter Soda). Applicants respectfully submit that this rejection is now moot.

- The Examiner rejected claims 3-5, 23, and 25 under §103(a) as being unpatentable over Weaver in view of Soda and US Patent 3,804,657 to Eyman et al. (hereinafter Eyman). Again, Applicants respectfully submit that this rejection is now moot.
- The Examiner rejected claims 9-14 and 17-20 under §103(a) as being unpatentable over Weaver in view of Soda, US Patent 4,743,187 to Schermutzki (hereinafter Schermutzki) and US Patent 4,396,566 to Brinkmann et al. (hereinafter Brinkmann). Applicants respectfully traverse this rejection because the references fail to establish *prima facie* obviousness in that they do not teach or suggest all of the elements as set forth in Applicants' claims.

Claim 1 sets forth a method for manufacturing a floor covering comprising: scattering powder, granules or pellets of a thermoplastic material onto a first substrate to form a first coating; applying a second substrate over the first coating; scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after said second substrate has been applied over the first coating, to form a second coating; leading the thus coated substrates between a pair of belts of a low pressure double belt press; applying heat to gel the coatings between the belts; smoothing the gelled coatings between a pair of nipping rollers; and cooling the layered product.

For example, as shown in Fig. 6, one embodiment of the present invention is a method for manufacturing a floor covering comprising: scattering powder, granules or pellets of a thermoplastic material, as at 4, onto a first substrate 3 to form a first coating; applying a second substrate 26 over the first coating; scattering powder, granules or pellets of a thermoplastic material, as at 28, onto the second substrate 26, after said second substrate has been applied over the first coating, to form a second coating; leading the thus coated substrates 3, 26 between a pair of belts 10, 11 of a low pressure double belt press 17; applying heat to gel the coatings between the belts; smoothing the gelled coatings between a pair of nipping rollers 15, 16; and cooling the layered product. Thus, because the second substrate is applied onto the first coating before the

powder, granules, or pellets of thermoplastic are scattered thereon, two layers easily and accurately may be formed in one pass through the heating section.¹

In contrast to that set forth in claim 1, neither Weaver nor Brinkmann teaches or suggests applying a second substrate over a first coating of powder, granules or pellets. Instead, these references teach only one layer of granules on one substrate. Further, although Soda teaches the use of a plurality of boards 9, he does not teach or suggest scattering powder, granules or pellets onto any one of the boards 9. Lastly, although Schermutzki teaches the use of granules on two different substrates 4, 4a, he also teaches that the granules are applied to each of the substrates 4, 4a before the substrates are brought together. See Fig. 3. That is, Schermutzki does not teach or suggest applying a second substrate onto a coating formed on a first substrate by powder, granules, or pellets, and doing so before the application of powder, granules or pellets onto the second substrate.

Accordingly, for the sake of argument, even assuming that one of ordinary skill in the art were motivated to combine Weaver, Soda, Schermutzki, and Brinkmann as suggested by the Examiner, any such combination would still not teach or suggest applying a second substrate over a first coating before scattering powder, granules or pellets onto the second substrate, as set forth in claim 1.

For the above reasons, claim 1 is not rendered obvious by Weaver, Soda, Schermutzki, and Brinkmann. Likewise, dependent claims 10-14 and 17-20 are not rendered obvious by this combination of references.

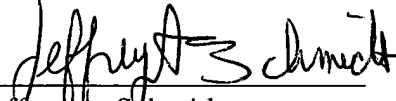
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

¹ Specification at page 4, lines 1-11.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey A. Schmidt", written over a horizontal line.

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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 9 has been canceled without prejudice or disclaimer.

The claims have been amended as follows:

1. (Twice Amended) A method for manufacturing a floor covering comprising the steps of :

scattering powder, granules or pellets of a thermoplastic material onto a first substrate to form a first coating;

applying a second substrate over the first coating;

scattering powder, granules or pellets of a thermoplastic material onto the second substrate, after said second substrate has been applied over the first coating, to form a second coating

leading the thus coated [substrate] substrates between a pair of belts of a low pressure double belt press;

applying heat to [agglomerate] gel the [coating] coatings between the belts;

smoothing the [agglomerated coating] gelled coatings between a pair of nipping rollers to provide a layer of desired thickness; and

cooling the layer.

2. (Twice Amended) A method as claimed in claim 1, wherein at least one of the [substrate] substrates is a fibre matt material.

3. (Amended) A method as claimed in claim [2] 25, wherein the fibre matt has less than 100 g of glass fibre per m² of material.

6. (Amended) A method as claimed in claim 1 wherein the gelled [coating is] coatings are smoothed by leading the gelled [coating] coatings between a nipping means.

10. (Twice Amended) A method as claimed in claim [9] 1, wherein the first substrate is defined by a lower one of the belts.

11. (Amended) A method as claimed in claim [9] 1 wherein the second coating is of the same material as the first coating.

12. (Twice Amended) A method as claimed in claim [9] 1, wherein the second coating is of a different material than the first coating.

13. (Amended) A method as claimed in claim [9] 1 wherein the first coating is of a saturation material to form, on heating, a saturation layer.

14. (Amended) A method as claimed in claim [9] 1 wherein the second coating is of a basecoat material to form, on heating, a basecoat layer.

17. (Twice Amended) A method as claimed in claim 16, wherein the basecoat is formed by a method including the steps of:

scattering a basecoat-forming material onto a saturation layer of the first substrate;

leading the [substrate] substrates between a pair of belts; and

applying heat to the belts to form a basecoat layer on the saturation layer.

18. (Twice Amended) A method as claimed in claim 1, wherein the first substrate is defined by one of the belts.

19. (Amended) A method as claimed in claim 1 including the steps of: [-]
scattering a first thermoplastic material onto a first belt;
applying [a] the first substrate over the thermoplastic material [;] ,
wherein said scattering of powder, granules or pellets onto a first substrate
comprises scattering a second thermoplastic material onto the first substrate [;
leading the substrate with the first and second thermoplastic material under a
second belt]; and
further wherein said applying heat to the belts to gel the coatings comprises
gelling the thermoplastic material to form a backing layer on one face of the first
substrate and a saturation or basecoat layer on the other face of the first substrate.
20. (Amended) A method as claimed in claim 19 wherein the second [layer is]
thermoplastic material forms a saturation layer and the method includes the steps of: [-]
scattering a third thermoplastics material over the saturation layer;
leading the [substrate] substrates between a pair of belts; and
applying heat to the belts to gel the third thermoplastic material to form a basecoat layer
on the saturation layer.
21. (Twice Amended) A method as claimed in claim 1, comprising a step, after heating,
of leading the [substrate] substrates over a smoothing roller prior to cooling.
22. (Twice Amended) A method as claimed in claim 1, wherein the [substrate is]
substrates are cooled, after [agglomerating] gelling, by leading the pair of belts through a cooling
station.

23. (Amended) A method as claimed in claim 1 wherein at least one of the [substrate] substrates is a mineral felt.

25. (Amended) A method as claimed in claim 2, wherein at least one of the [substrate] substrates is a glass fibre matt material.

26. (Amended) A method as claimed in claim 21, wherein the [substrate is] substrates are supported on one of the belts as it is led over the smoothing roller.

27. (Amended) A method as claimed in claim 1, comprising a step of leading the [substrate] substrates over a smoothing roller, wherein the method includes the step of heating and/or cooling the [substrate] substrates as [it is] they are led over the smoothing roller.

28. (Amended) A method as claimed in claim 27, wherein the [substrate is] substrates are heated or cooled by heating or cooling the smoothing roller.

29. (Amended) A method as claimed in claim 27, wherein the [substrate is] substrates are led over an infeed roller to the smoothing roller.

30. (Amended) A method as claimed in claim 29, wherein the [substrate is] substrates are led over an outfeed roller from the smoothing roller.

31. (Amended) A method as claimed in claim 30, wherein the [substrate is] substrates are heated or cooled as [it is] they are led over the infeed and/or outfeed rollers.